



Issue Date: 01 May 2017

Case Number: 2016-FRS-00072
OSHA No.: 6-2320-16-051

In the Matter of:

GREGORY STEELE JONES,
Complainant,

v.

UNION PACIFIC RAILROAD COMPANY,
Respondent.

**ORDER APPROVING SETTLEMENT AGREEMENT,
CANCELLING HEARING, AND DISMISSING COMPLAINT**

This proceeding arises under the employee protection provisions of the Federal Railroad Safety Act of 2007 (“FRSA”), 49 U.S.C. § 20109. It is currently scheduled for hearing on May 9, 2017 in Little Rock, Arkansas.

On April 25, 2017, the parties submitted a *Settlement Agreement and Release of Claims* (“Settlement Agreement”) for my approval.¹

Having been advised of the settlement terms and having reviewed the Settlement Agreement, noting that the parties are represented by counsel, I find the terms to be fair, adequate, reasonable, and not contrary to public policy, and are therefore approved.² Upon my approval, the parties shall implement the terms as stated in the Settlement Agreement, to the extent not otherwise accomplished. This Order shall have the same force and effect as one made after a full hearing on the merits.

¹ 29 C.F.R. § 1982.111(d)(1) states that at any time after the filing of objections to the Assistant Secretary’s findings and preliminary order, the case may be settled, and, if the case is before an administrative law judge, the settlement is contingent upon the approval of the administrative law judge. Any settlement approved by the administrative law judge becomes the final order of the Secretary. 29 C.F.R. § 1982.111(e).

² I note that the Settlement Agreement does not allocate a specific portion of the settlement for attorney’s fees but instead provides that Complainant and his counsel will allocate the money “according to their own private agreement.” Although settlement agreements commonly provide a specific allocation for attorney’s fees, I find that the total amount of the settlement is fair, adequate, and reasonable compensation of Complainant’s claim and attorney’s fees in this matter. I also note that the agreement provides for a settlement of all claims, demands, and liabilities Complainant may have against Respondent. However, this approval applies only to the FRSA complaint over which the Office of Administrative Law Judges has jurisdiction.

Accordingly, **IT IS HEREBY ORDERED** that the Settlement Agreement and Release of Claims filed on April 25, 2017 is **APPROVED**, and thereby becomes the final order of the Secretary and may be enforced pursuant to 29 C.F.R. §1982.113.

IT FURTHER ORDERED that the hearing scheduled for May 9, 2017 in Little Rock, Arkansas is **CANCELLED**, the complaint filed in this matter is **DISMISSED WITH PREJUDICE**, and that counsel for Complainant is allowed to withdraw as counsel of record in this matter following completion of his professional duties necessary to implementing the Settlement on behalf of his client.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge